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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/456,300

12/08/1999

TAKASHI HASEGAWA

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07/08/2004

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EXAMINER

ONUAKU, CHRISTOPHER O

ART UNIT

PAPER NUMBER

2615

13

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/456,300

Applicant(s)

HASEGAWA, TAKASHI

Examiner

Christopher O. Onuaku

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/16/04 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claim 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis et al (US 6,212,327) in view of Yoshinobu et al (US 5,686,954).

Regarding claim 1, Berstis et al disclose utilizing a computer to control record programming in remote controlled record/playback devices in connection with a server push mechanism, comprising:

a) means for storing keywords preliminarily designated by a user (see user interface 300; col.4, line 19 to col.5, line 8);

b) means for collecting program information related to the broadcast programs (see emitter device 226 of the data processing system 200; col.4, lines 1-18);

c) control means for automatically selecting programs to be recorded by checking the program information with the keywords and storing video data of the programs to be recorded into a video recording file by controlling a receiver (see Fig.4B; col.5, lines 18-37);

d) wherein the keyword storing means stores each keyword so as to be associated with a reservation identifier (see col.4, line 19 to col.5, line 8); and

e) wherein the control means stores the program information of the selected program to be recorded in association with the reservation identifier and controls the video data stored in the video recording file of the selected program in association with the reservation identifier (see Fig.4B&4C; col.5, lines 18-65).

Berstis et al fail to explicitly disclose wherein the control means displays the programs in the video recording file associated with the reservation identifier on a display in response to the user's input.

Yoshinobu et al teach a program information broadcasting system for broadcasting information of the kinds of each of programs to be broadcast and

information of elements included in a program such as a performer, a program information display method for receiving the program information broadcast by the broadcasting system and display the same on a display screen, as well as a receiving device such as a television receiver, wherein when a user inputs a request for the display of the program schedule, for example, by operating the menu button 94, this information is processed by the control section 110, and the program schedule is displayed on the display section 74, as shown in Fig.15. The programs on the display section as shown in Fig.15 shows the programs and the program reservation identifiers (i.e., beginning and end time for each program, for example).

It would have been obvious to modify Berstis by providing the display means of Berstis with the means to display the programs in the video recording file associated with the reservation identifier on the display means in response to a user's input, as taught. By Yoshinobu, since this provides the desirable advantage of allowing the user to easily read the programs displayed and make a desired program selection.

Regarding claim 2, Berstis discloses wherein the program information includes channel identifying information and program time information of the program to be recorded, and the control means controls an output of the receiver on the basis of the channel identifier information and the program time information, and stores the received video data into the video recording file (see claim 1 discussions, and also col.4, lines 27-43).

Regarding claim 3, Berstis discloses:

a) a receiver for receiving video information of a plurality of channels and program information and selectively outputting the program information and a video signal of a specific channel (see Fig.2 and data processing system 200; col.3, line 1 to col.4, line 18);

b) storing means for storing the video information outputted from the receiver (see non-volatile memory 216; col.3, lines 30-41;

c) display means (see col.3, lines 14-17);

d) data entry means operated by the user (see Fig.2; keyboard 220, pointing device 222 and infra red emitter 226; col.3, lines 18-67)

e) a recording control processor connected to the receiver and each of the storing means, display means and data entry means (see Fig.2, data processing system 200; col.3, line 1 to col.4, line 18);

f) wherein the data recording control processor has a memory for storing a keyword entered from the data entry means, selects video data of programs to be automatically recorded by checking the program information outputted from the receiver with the keyword and automatically stores the video data of programs into the storing means by controlling the receiver and storing means based on the program information of the selected video data(see claim 1 discussions);

g) wherein keyword entered from the data entry means are stored so as to be associated with a reservation identifier into the memory and controls the video data stored in the storing means in association with the reservation identifier (see col.4, lines 19-43; and col.5, lines 9-65).

Berstis et al fail to explicitly disclose wherein the control means displays the programs in the video recording file associated with the reservation identifier on a display in response to the user's input.

Yoshinobu et al teach a program information broadcasting system for broadcasting information of the kinds of each of programs to be broadcast and information of elements included in a program such as a performer, a program information display method for receiving the program information broadcast by the broadcasting system and display the same on a display screen, as well as a receiving device such as a television receiver, wherein when a user inputs a request for the display of the program schedule, for example, by operating the menu button 94, this information is processed by the control section 110, and the program schedule is displayed on the display section 74, as shown in Fig.15. The programs on the display section as shown in Fig.15 shows the programs and the program reservation identifiers (i.e., beginning and end time for each program, for example).

It would have been obvious to modify Berstis by providing the display means of Berstis with the means to display the programs in the video recording file associated with the reservation identifier on the display means in response to a user's input, as taught. By Yoshinobu, since this provides the desirable advantage of allowing the user to easily read the programs displayed and make a desired program selection.

Regarding claim 4, the claimed limitations of claim 4 are accommodated in the discussions of claims 2&3 above.

Regarding claim 5, Berstis discloses wherein the recording control processor displays the status of video data stored in the storing means in association with the reservation identifier (see col.3, lines 30-41).

Regarding claim 6, Berstis discloses wherein the recording control processor displays the status of video data stored in the storing means in a figure corresponding to the reservation identifier in a graphical form on the display means (see col.3, lines 30-41).

Regarding claim 7, the claimed limitations of claim 7 are accommodated in the discussions of claims 1,2&3 above. It is pertinent to note that the claimed tables are included in the storing locations/addresses of the program information and keywords, and wherein the stored keyword is additionally a program information.

Regarding claim 8, Berstis discloses wherein the receiving means receives multiplexed signals including video information and program information of a plurality of channels and the collecting means receives program information from the receiving means (see col.3, lines 30-41 and col.4, line 53 to col.5, line 37).

Regarding claim 9, Berstis discloses wherein the control processor displays the status of the video information stored in the storing means so as to be associated with the reservation identifier in a graphical form in the fifth program (see col.3, lines 30-41).

Conclusion

5. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Andrew B. Christensen, can be reached on (703) 308-9644.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

and (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service whose telephone number is (703) 306-0377.

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COO

6/22/04

[Signature]
THAI TRAN
PRIMARY EXAMINER